

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

TORNELLO PIERCE,)
)
Plaintiff, pro se,)
)
vs.) 1:06CV00755
)
WELLS FARGO BANK,)
)
Defendant.)

ORDER AND PRE-FILING INJUNCTION

On November 9, 2006, in accordance with 28 U.S.C. § 636(b), the Recommendation and Order of the United States Magistrate Judge was filed and notice was served on Plaintiff and a copy was given to the court.

Within the time limitation set for the in the statute, Plaintiff and Defendant objected to the Recommendation and Order.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the report, subject to the modification which follows. The court will modify the report accepting the objection of Defendant.¹ The injunction which the court will enter below will limit Plaintiff's access to the court only insofar as Plaintiff seeks to raise any allegation arising out of either the transactions in which Plaintiff assumed the mortgage debt owed to Wells Fargo or the mortgages serviced by

¹ This action by the court moots Defendant's motion to amend (docket no. 16).

Ocwen Loan Servicing.²

PLAINTIFF TORNELLO PIERCE IS HEREBY ENJOINED from filing any lawsuits, motions, or additional allegations against Wells Fargo Bank with respect to the validity of the mortgage debt Plaintiff owes to it or allegations against Ocwen Loan Servicing with respect to the mortgages it services, the applicability of the Fair Debt Collection Practices Act, or any other legal theory by which Plaintiff seeks to avoid liability of the aforementioned mortgage debts, unless he seeks and obtains leave from the undersigned or from a United States District Court of competent jurisdiction, after Plaintiff first attaches copies of the entirety of the pleadings from the following cases, *Pierce v. Wells Fargo Bank*, 1:05-cv-01164 (filed Dec. 30, 2005); *Pierce v. Ocwen Loan Servicing*, 1:06-cv-00147 (filed Feb. 13, 2006); *Pierce v. Ocwen Loan Servicing*, 1:06-cv-00630 (filed July 24, 2006); *Pierce v. Wells Fargo Bank*, 1:06-cv-00755 (filed Sept. 7, 2006), and after Plaintiff submits a detailed written statement explaining why the new lawsuit, motion, or allegation is materially different from those in the foregoing four cases.



Benjamin J. Green
UNITED STATES DISTRICT JUDGE

DATE: February 14, 2007

² Having accepted this modification, the court will necessarily modify the Magistrate Judge's proposed language in the injunction itself.